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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/840,188	
	Filing Date	May 05, 2004	
	First Named Inventor	Mark Mathis	
	Art Unit	3731	
	Examiner Name	Nguyen, Tuan Van	
Total Number of Pages in This Submission	8	Attorney Docket Number	10057-719.201

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Shay Law Group LLP		
Signature			
Printed Name	Thomas Zlogar		
Date	5/9/07	Reg. No.	55,760

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Angelica Zuniga	Date	5/9/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MailStop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

5/9/07 *Angelica Zuniga*
Date Angelica Zuniga

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: 10/840,188

Inventors: Mark Mathis

Filed: May 05, 2004

Title: **DEVICE AND METHOD FOR
MODIFYING THE SHAPE OF A BODY
ORGAN**

Confirmation No.: 7264

Examiner: Nguyen, Tuan Van

Group Art Unit: 3731

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 & § 1.98

Sir:

In accordance with 37 CFR § 1.97-1.98, applicants hereby submit an Information Disclosure Statement, including attached forms(s) PTO/SB/08. A copy of each reference is being submitted herewith, along with a concise explanation in English for those publications in a foreign language.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return a copy of the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and /or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in 37 CFR §1.56.

FILING OF INFORMATION DISCLOSURE STATEMENT☒ **37 CFR §1.97(b)**

This statement is being submitted under 37 CFR §1.97(b) because the IDS is being filed:

- ☐ 1). Within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d), or
- ☐ 2). Within 3 months of entry of a national stage as set forth in § 1.491, or
- ☒ 3). Before the mail date of a first Office Action on the merits, or
- ☐ 4). Before the mailing of a first Office Action after filing a request for continued examination under § 1.114.

☐ **37 CFR § 1.97(c)**

This statement is being filed after the latest of:

- ☐ 1). Three months beyond the filing date of a national application, or
- ☐ 2). Three months beyond the date of entry of the national stage as set forth in § 1.491 in an international application, or
- ☐ 3). The mailing date of a first Office Action on the merits, but before the mailing date of the earlier of a final Office Action under § 1.113 or a Notice of Allowance under § 1.311, and then either:
 - ☐ A). A fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement. or
 - ☐ B). A certification as specified in § 1.97(e) is provided below; thus no fee is required.

☐ **37 CFR § 1.97(d)**

This statement is being filed after the mailing date of the earlier of a Final Office action or a Notice of Allowance under § 1.311, but before payment of the issue fee, and then:

A). A fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or payment is included with other papers filed together with this statement

--AND--

B). A certification as specified in § 1.97(e) is included below.

CONTENT OF INFORMATION DISCLOSURE STATEMENT UNDER
37 CFR § 1.98

☐ **37 CFR §1.98 (a)(2)(ii), U.S. patents or patent application publication(s) cited**

- ☒ 1). Since not requested by the Office, U.S. patents and U.S. patent application publications are not included.
- ☐ 2). At the request of the Office, a copy of the following U.S. patent or patent application publication is attached:

☒ **37 CFR §1.98 (a)(2)(iii) and (d), Pending unpublished U.S. applications cited**

- ☒ 1). A copy of each application specification including the claim(s)s, and any drawing of the application, or that portion of the application that caused it to be listed, including any claims directed to that portion, is attached.
- ☐ 2). A copy of each application specification is not submitted because the specification was previously submitted in the IDS of the following, earlier filed application relied on for an earlier effective filing date:

☒ **37 CFR §1.98 (a)(2)(iii) and (d), English language publication (other than U.S. patents, patent applications, or pending unpublished applications) cited**

- ☒ 1). A legible copy of each publication or that portion which caused it to be listed is attached.
- ☐ 2). A copy of each publication or that portion which caused it to be listed is not submitted because the publication was previously submitted in the IDS of the following, earlier filed application relied on for an earlier effective filing date:

- ☒ **37 CFR §1.98 (a)(2)(i) and (d), Foreign patent(s) in English cited**
- ☒ 1). A legible copy of each foreign patent is attached.
- ☐ 2). A copy of each foreign patent is not submitted because the publication was previously submitted in the IDS of the following, earlier filed application relied on for an earlier effective filing date:
- ☐ **37 CFR §1.98 (a)(2)(i), (a)(3)(i-ii) and MPEP 609(B), Foreign patent(s) or other foreign documents not in English cited. Either:**
- ☐ 1). A legible copy of each foreign patent, each publication or that portion which caused it to be listed, is attached **--AND--**
- ☐ 2a). A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56 (c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language is provided herewith:
- OR--**
- ☐ 2b). A copy of a written, English-language translation or portion thereof is readily available and attached, **--OR--**
- ☐ 2c). An English language copy of a foreign search report is submitted. **--OR--**
- ☐ 3). A copy of each foreign patent is not submitted because the publication was previously submitted in the IDS of the following, earlier filed application relied on for an earlier effective filing date:

STATEMENT UNDER 37 CFR § 1.97(e)


- ☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

FEE AUTHORIZATION

- ☒ The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-4050.

Dated: 5/9/07
Shay Law Group
2755 Campus Drive, Suite 210
San Mateo, CA 94403
(650) 212-1700
Customer No. 66854

Respectfully Submitted,

By: 
Thomas Zlogar Reg. # 55760



PTO/SB/08A (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/840,188
Filing Date	May 05, 2004
First Named Inventor	Mark Mathis
Art Unit	3731
Examiner Name	Nguyen, Tuan Van
Attorney Docket Number	10057-719.201

Sheet 1 of 4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	24	US- 2003/0083613	5/1/2003	Schaer	
	49	US- 2004/0193260	9/30/2004	Alfermess et al.	
	50	US- 2004/0220654	11/4/2004	Mathis et al.	
	51	US- 2004/0220657	11/4/2004	Nieminen et al.	
	53	US- 2004/0249452	12/9/2004	Adams et al.	
	55	US- 2005/0004667	1/6/2005	Swinford et al.	
	57	US- 2005/0021121	1/27/2005	Reuter et al.	
	59	US- 2005/0027353	2/3/2005	Alfermess et al.	
	60	US- 2005/0033419	2/10/2005	Alfermess et al.	
	61	US- 2005/0038507	2/17/2005	Alfermess et al.	
	62	US- 2005/0065598	3/24/2005	Mathis et al.	
	63	US- 2005/0096666	5/5/2005	Gordon et al.	
	64	US- 2005/0119673	6/2/2005	Gordon et al.	
	69	US- 2005/0149179	7/7/2005	Mathis et al.	
	70	US- 2005/0149180	7/7/2005	Mathis et al.	
	71	US- 2005/0149182	7/7/2005	Alfermess et al.	
	73	US- 2005/0187619	8/25/2005	Mathis et al.	
	74	US- 2005/0197692	9/8/2005	Pai et al.	
	75	US- 2005/0197693	9/8/2005	Pai et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	180	EP 0903110 A1	3/24/1999	B. Braun Medical Inc.		
	181	EP 0968688 A1	1/5/2000	Cordis Europa N. V.		
	188	WO 00/74603 A1	12/14/2000	Colvin et al.		
	201	WO 02/060352 A1	8/8/2002	Mitralife		

Examiner
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet **2** of **4****Complete if Known**

Application Number	10/840,188
Filing Date	May 05, 2004
First Named Inventor	Mark Mathis
Art Unit	3731
Examiner Name	Nguyen, Tuan Van
Attorney Docket Number	10057-719.201

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	76	US- 2005/0197694	9/8/2005	Pai et al.	
	77	US- 2005/0209690	9/22/2005	Mathis et al.	
	78	US- 2005/0216077	9/29/2005	Mathis et al.	
	80	US- 2005/0261704	11/24/2005	Mathis	
	81	US- 2005/0272969	12/8/2005	Alferness et al.	
	82	US- 2006/0020335	1/26/2006	Kowalsky et al.	
	83	US- 2006/0030882	2/9/2006	Adams et al.	
	84	US- 2006/0116758	6/1/2006	Swinford et al.	
	85	US- 2006/0142854	6/29/2006	Alferness et al.	
	86	US- 2006/0161169	7/20/2006	Nieminen et al.	
	87	US- 2006/0167544	7/27/2006	Nieminen, et al.	
	88	US- 2006/0173536	8/3/2006	Mathis, et al.	
	89	US- 2006/0191121 A1	8/31/2006	Gordon	
	177	US- 2006/0271174 A1	11/30/2006	Nieminen et al.	
	176	US- 2006/0276891 A1	12/7/2006	Nieminen et al.	
	230	US- 2007/0066879 A1	3/22/2007	Mathis et al.	
	175	US- 2007/0055293 A1	3/8/2007	Alferness, et al.	
	90	US- 3995623	12/7/1976	Black et al.	
	102	US- 5,441,515	8/15/1995	Khosravi et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

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Application Number	10/840188
Filing Date	May 05, 2004
First Named Inventor	Mark Mathis
Art Unit	3731
Examiner Name	Nguyen, Tuan Van
Attorney Docket Number	10057-719.201

Sheet 3

of 4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	119	US- 5,978,705	11/2/1999	KenKnight et al.	
	225	US- 5,954,761	9/21/1999	Machek et al.	
	121	US- 6,015,402	1/18/2000	Sahota	
	132	US- 6,254,628	7/3/2001	Wallace et al.	
	227	US- 6,267,783	7/31/2001	Letendre et al	
	135	US- 6,345,198	2/5/2002	Mouchawar et al.	
	151	US- 6,629,534	10/7/2003	St. Goar et al.	
	152	US- 6,629,994	10/7/2003	Gomez et al.	
	153	US- 6,643,546	11/4/2003	Mathis et al.	
	156	US- 6,709,425	3/23/2004	Gambale et al.	
	228	US- 6,721,598	4/13/2004	Helland et al	
	160	US- 6,733,521	5/11/2004	Chobotov et al.	
	226	US- 6,821,297	11/23/2004	Snyders, Robert	
	223	US- 6,827,690	12/7/2004	Bardy, Gust H	
	172	US- 6,964,683	11/15/2005	Kowalsky et al.	
	173	US- 6,966,926	11/22/2005	Mathis	
		US-			
		US-			
		US-			

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		First Named Inventor	Mark Mathis
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		Examiner Name	Nguyen, Tuan Van
Sheet 4	of 4	Attorney Docket Number	10057-719.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	178	Mathis, et al; U.S. Pat. App. # 11/279,352, entitled "Mitral Valve Annuloplasty Device with Vena Cava Anchor," filed 04/11/2006 (SLG # 10057-739.201).	
	229	Mathis, Mark; U.S. Pat. App. # 11/655,710, entitled "Mitral Valve Device Using Conditioned Shape Memory Alloy," filed 1/18/2007 (SLG # 10057-714.301).	
	219	GRAY, H. Anatomy of the Human Body. The Systemic Veins. Philadelphia: Lea & Febiger, 1918; Bartleby.com. 2000. Available at www.bartleby.com/107/ . Accessed June 7, 2006.	
	220	Heartsite.com. Echocardiogram, 1999; p.1-4. A.S.M. Systems Inc. Available at: http://www.heartsite.com/html/echocardiogram.html . Accessed July 1, 2005.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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